

# TRANSMITTAL FORM

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		Application Number	10/765,380
		Filing Date	January 26, 2004
		First Named Inventor	PERKINS, RODNEY A.
		Art Unit	Unassigned
		Examiner Name	Unassigned
Total Number of Pages in This Submission		Attorney Docket Number	017534-000740US

## ENCLOSURES (Check all that apply)

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Firm or Individual	Townsend and Townsend and Crew LLP James M. Heslin	
Signature		
Date	March 29, 2004	

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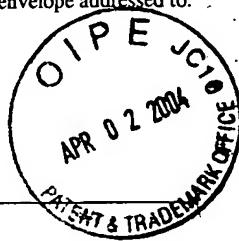
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Signature		Date	March 30, 2004

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TOWNSEND and TOWNSEND and CREW LLP

By: Edward Masinas  
Edward Masinas

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

RODNEY A. PERKINS et al.

Application No.: 10/765,380

Filed: January 26, 2004

For: METHODS, SYSTEMS, AND KITS  
FOR LUNG VOLUME REDUCTION

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

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Sir:

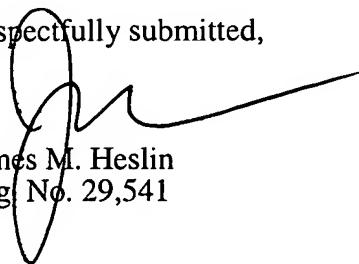
The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. In accordance with 37 CFR §1.98(d), copies of the references can be found in Application No. 09/898,703, filed July 2, 2001 (Attorney Docket No. 017534-000720US). It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no

representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
James M. Heslin  
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Substitute for form 1449A/PTO				<i>Complete if Known</i>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(use as many sheets as necessary)</i>				Application Number	10/765,380
				Filing Date	January 26, 2004
				First Named Inventor	PERKINS, RODNEY A.
				Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	1	of	3	Attorney Docket Number	017534-000740US

U.S. PATENT DOCUMENTS+					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
	1	3,322,126	05-30-1967	Rüscher et al.	
	2	3,498,286	03-03-1970	Polanyi et al.	
	3	3,669,098	06-13-1972	Takahashi	
	4	3,677,262	07-18-1972	Zukowski	
	5	3,776,222	12-04-1973	Smiddy	
	6	3,866,599	02-18-1975	Johnson	
	7	3,913,568	10-21-1975	Carpenter	
	8	4,041,936	08-16-1977	Carden	
	9	4,086,919	05-02-1978	Bullard	
	10	4,327,720	05-04-1982	Bronson et al.	
	11	4,327,721	05-04-1982	Goldin et al.	
	12	4,453,545	06-12-1984	Inoue	
	13	4,468,216	08-28-1984	Muto	
	14	4,567,882	02-04-1986	Heller	
	15	4,716,896	01-05-1988	Ackerman	
	16	4,742,819	05-10-1988	George	
	17	4,784,133	11-15-1988	Mackin	
	18	4,819,664	04-11-1989	Nazari	
	19	4,846,153	07-11-1989	Berci	
	20	4,850,371	07-25-1989	Broadhurst et al.	
	21	4,862,874	10-05-1989	Kellner	
	22	4,896,941	01-30-1990	Hayashi et al.	
	23	4,949,716	08-21-1990	Chenoweth	
	24	4,955,375	10-11-1990	Martinez	
	25	4,958,932	10-25-1990	Kegelman et al.	
	26	4,961,738	10-09-1990	Mackin	
	27	4,976,710	12-11-1990	Mackin	
	28	5,056,529	10-15-1991	de Groot	
	29	5,143,062	10-01-1992	Peckham	
	30	5,146,916	09-15-1992	Catalani	
	31	5,165,420	11-24-1992	Strickland	
	32	5,285,778	02-15-1994	Mackin	
	33	5,309,903	05-10-1994	Long	
	34	5,331,947	07-26-1994	Shturman	
	35	5,361,753	11-08-1994	Pothmann et al.	
	36	5,400,771	03-28-1995	Pirak et al.	
	37	5,477,851	12-26-1995	Callaghan et al.	
	38	5,499,625	03-19-1996	Frass et al.	
	39	5,598,840	02-04-1997	Iund et al.	
	40	5,642,730	07-01-1997	Baran	
	41	5,645,519	07-08-1997	Lee et al.	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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		Filing Date	January 26, 2004
		First Named Inventor	PERKINS, RODNEY A.
		Art Unit	Unassigned
		Examiner Name	Unassigned
Sheet	2	of	3
		Attorney Docket Number	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>4</sup> (if known)			
	55	WO	92/10971		09-07-1992		
	56	WO	95/33506		12-14-1995		
	57	WO	98/48706		05-11-1998		
	58	WO	98/49191		05-11-1998		
	59	WO	99/01076		01-14-1999		
	60	WO	99/17827		04-15-1999		

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<sup>1</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> Applicant's unique citation designation number (optional). <sup>3</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				Application Number	10/765,380
<i>(use as many sheets as necessary)</i>				Filing Date	January 26, 2004
				First Named Inventor	PERKINS, RODNEY A.
				Art Unit	Unassigned
				Examiner Name	Unassigned
Sheet	3	of	3	Attorney Docket Number	017534-000740US

<b>NON PATENT LITERATURE DOCUMENTS</b>				
Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T <sup>2</sup>
	61	Becker et al., "Lung volumes before and after lung volume reduction surgery," Am. J. Respir. Crit. Care Med., (1998) 157:1593-1599.		
	62	Bollinger et al., abstract, "Evaluation of high-risk lung resection candidates: pulmonary Haemodynamics versus exercise testing. A testing of five patients," Respiration, (1994) 61(4), pp. 181-186.		
	63	Clark Ojo et al., "Lung volume reduction surgery alters management of pulmonary nodules in patients with severe COPD," Chest, (1997) 112(6):1494-1500.		
	64	Coryllos and Birnbaum, "Studies in pulmonary gas absorption in bronchial obstruction. I. Two new methods for direct and indirect observation," Amer. J. Med. Sci., (1932) 183:317-326.		
	65	Coryllos and Birnbaum, "Studies in pulmonary gas absorption in bronchial obstruction. II. The behavior and absorption times of oxygen, carbon dioxide, nitrogen, hydrogen, helium, ethylene, nitrous oxid, ethyl chlorid, and ether in the lung," Amer. J. Med. Sci., (1932) 183:326-347.		
	66	Coryllos and Birnbaum, "Studies in pulmonary gas absorption in bronchial obstruction. III. A theory of air absorption in atelectasis," Amer. J. Med. Sci., (1932) 183:347-359.		
	67	Criner et al., "Effect of lung volume reduction surgery on diaphragm strength," Am. J. Res. Crit. Care Med., (1998) 157:1578-1585.		
	68	Harada et al., "Re-expansion of refractory atelectasis using a bronchofiberscope with a balloon cuff," Chest, (1983) 84(6):725-728.		
	69	Kotloff et al., "Comparison of short-term functional outcomes following unilateral and bilateral lung volume reduction surgery," Chest, (1998) 113(4):890-895.		
	70	McKenna et al., abstract, "Patient selecetion criteria for lung volume reduciton surger," Journal of Thoracit and Cardiovascular Sugery, (1997) 114(6), pp. 957-964.		
	71	Melendez e tal., Abstract, "Predictive respiratory complication quotient predicts pulmonary complication in throacic surgical patients," (1998) 66(6), pp. 2164.		
	72	Sclafani, "Clearing the airways" AARC Times (1999) pp. 69-71, 97.		

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